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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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12 UNITED STATES OF AMERICA,

13 Plaintiff/s,

14 v.

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16 Defendant/s.
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Case No. -JST

**ORDER RE CRIMINAL PRE-TRIAL
MOTIONS, TRIALS, AND SENTENCING**

19 The above matter is set for trial before the Honorable Josephine Staton Tucker, United
20 States District Judge, Courtroom 10A, Ronald Reagan Federal Building and United States
21 Courthouse, 411 West Fourth Street, Santa Ana, CA 92701. Counsel preparing for trial before this
22 Court shall comply with this Order. Failure to comply with this order may subject counsel to
23 sanctions.
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25 **MOTION PRACTICE**

26 1. Unless the Local Criminal Rules prescribe a different time for filing a particular
27 motion, pre-trial motions, including motions to suppress evidence, must be filed and served not

1 later than twenty-eight (28) days after arraignment and set for hearing not later than the Friday
2 eleven (11) days prior to the trial date. Counsel shall contact the Courtroom Deputy Clerk in
3 advance to clear a date and time for the hearing. Counsel's estimate of the time required for
4 presentation of the motion must be set forth adjacent to the caption.

5 2. A party opposing a motion must file and serve an opposition not later than seven
6 (7) days after service of the motion or as otherwise permitted by the Court. Counsel's estimate
7 of the time required for presentation of the opposition to the motion must be set forth in the
8 caption of the opposition.

9 3. Memoranda of Points and Authorities in support of or in opposition to motions shall
10 not exceed 25 pages. Replies shall not exceed 12 pages. Only in rare instances and for good cause
11 shown will the Court grant an application to extend these page limitations. No supplemental briefs
12 shall be filed without prior leave of court.

13 4. Before filing any motion for discovery, counsel shall confer with opposing counsel
14 to ascertain what discovery will be provided. Any discovery motion shall state with particularity
15 what is requested, and whether such discovery has been declined. Motions made without prior
16 consultation with opposing counsel or which fail to include the above information will not be
17 heard.

18 19 **DISCOVERY AND NOTICE**

20 5. Counsel for the government and counsel for the defendant shall comply promptly
21 with discovery and notice pursuant to Fed. R. Crim. P., Rules 12, 12.1, 12.2, 12.3, 15 and 16.
22 Upon government counsel's discovery of any evidence within the scope of *Brady v. Maryland*,
23 373 U.S. 83 (1963), such evidence shall be produced forthwith to counsel for the defendant.
24 Counsel for the government shall also disclose to counsel for the defendant the existence or non-
25 existence of: (1) evidence obtained by electronic surveillance; and (2) testimony by a
26 government informant.
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1 **TRIAL**

2 6. Trials will commence on Tuesday and continue on Wednesday and Thursday. If
3 the trial is more than 3 days, it will continue Monday through Thursday until completed. Trial
4 hours are from 9:00 a.m. to 12:00 p.m., and 1:30 p.m. to 4:30 p.m., with a 15-minute break during
5 each session.

6 7. All counsel shall arrive at the Courtroom at 8:30 a.m. on the first day of trial.
7 Government counsel shall provide the Courtroom Deputy Clerk with the following:

- 8 a. Five copies of the government's witness list;
9 b. Five copies of the government's exhibit list;
10 c. The government's original exhibits, which may be in binders or placed in
11 individual folders;
12 d. Two binders properly marked containing copies of all reproducible
13 exhibits, separated by divider tabs containing exhibit numbers.

14 8. Defense counsel need not deliver their exhibits to the Courtroom Deputy Clerk on
15 the first day of trial; however, defense counsel is responsible for affixing completed exhibit tags
16 to the original of each exhibit they intend to introduce during the trial, and for providing the Clerk
17 with two copies of each exhibit. If defense counsel intends to call witnesses, other than the
18 defendant, five copies of defendant's witness list shall be provided to the Courtroom Deputy
19 Clerk prior to the start of defendant's case.

20 9. All exhibits presented to the Court by either side shall have the Court's official
21 exhibit tags attached to the upper right-hand corner of the first page of each exhibit. All exhibits
22 longer than one page shall be internally paginated in the lower right-hand corner.

23 10. Voir Dire: At least four (4) court days prior to trial, each counsel shall file and
24 serve on opposing counsel any special questions requested to be put to prospective jurors by the
25 Court during voir dire.

26 11. Jury Instructions and Verdict Forms: In a jury trial, no later than one (1) week
27 before trial, counsel shall submit **JOINT** jury instructions and a **JOINT** proposed verdict form

1 (if a special verdict is desired). In order to produce these joint documents, counsel shall meet and
2 confer sufficiently in advance of the required submission date with the goal of agreeing upon
3 instructions and a verdict form. The instructions should be submitted in the order in which the
4 parties wish to have the instructions read. This order should reflect a single organized sequence
5 agreed to by all of the parties.

6 The jury instructions shall be submitted as follows:

- 7 a. Agreed upon JOINT jury instructions;
- 8 b. Instructions propounded by the government to which the defendant(s)
9 objects; and
- 10 c. Instructions propounded by defendant(s) to which the government objects.

11 Instructions upon which agreement cannot be reached should reflect the basic
12 disagreements among the parties as to the law. Counsel shall include both general and
13 substantive instructions. In addition, counsel must submit electronic versions (either Word or
14 WordPerfect format) to the Court at the following email address:
15 JST_Chambers@cacd.uscourts.gov.

16 Attribution and case citation for each instruction should be placed on pages following a
17 proposed instruction. For disputed instructions, a party should note its objections to a proposed
18 instruction and its reasons for putting forth its alternative on pages placed after its own alternative
19 instruction.

20 21 **SENTENCING PROCEEDINGS**

22 12. If a defendant is convicted, the sentencing proceedings will be conducted pursuant
23 to Fed. Crim. Pro. Rule 32 and the Local Rules. If any party wishes to present material to the
24 Court which has (a) not been previously filed with the Court or presented at trial, or (b) not been
25 previously provided to the opposing party and the assigned United States Probation Officer, such
26 party must file and serve the information or evidence no later than two (2) weeks before the
27 scheduled sentencing hearing. Notwithstanding the foregoing, a statement of each party's

1 position concerning sentencing shall be filed and served no later than two (2) weeks before the
2 sentencing hearing, and the proof of service shall reflect service on the assigned United States
3 Probation Officer. Timely filing is important to enable the Probation Officer sufficient time to
4 prepare and disclose any addendum to the Probation Report that may be required in response to
5 new information and/or evidence and/or a party's sentencing position. Failure to timely file and
6 serve such information, evidence, or statement of position may result in such information not
7 being considered by the Court in imposing defendant's sentence.

8 The Clerk is directed to serve this Order on all counsel at the time of post-indictment
9 arraignment proceedings.

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11 IT IS SO ORDERED.

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13 DATED: _____

14 **JOSEPHINE STATON TUCKER**
15 JOSEPHINE STATON TUCKER
16 UNITED STATES DISTRICT JUDGE
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